



Entered on Docket
April 01, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

ERIC PALACIOS, ESQ.
Nevada Bar No. 7120
BENNAIR R. BATEMAN, ESQ.
Nevada Bar No. 9338
LICEU S. PEREIRA, ESQ.
Nevada Bar No. 10954
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re	Case No. BK-S-09-25127-LBR
	Chapter 13
GERARDO SANCHEZ,	Trustee: RICK YARNALL
	Hearing Date: 2-18-10
	Hearing Time: 2:30 p.m.
<u>Debtors/</u>	

ORDER GRANTING MOTION TO STRIP SECOND TRUST DEED

THIS MATTER having come before the Court for a hearing on February 18, 2010 on Debtor's Motion To Value Collateral and Modify Rights of CITIFINANCIAL Pursuant to 11 U.S.C. §506(a) and §1322, and based upon the papers and pleadings on file herein, and good cause appearing; the Court finds as follows:

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1 1. The Debtor's real property located at 2202 E. Mesquite Ave., Las Vegas, NV
2 89101 (the "Subject Property") is valued at \$72,000.00 as of the date of filing Debtor's Chapter
3 13 Petition;

4 2. The Subject Property is collateral for BAC HOMELOANS (formerly known as
5 COUNTRYWIDE) as 1st Lienholder's senior secured claim (Loan # 136761862) for the amount
6 of \$152,956.00; and
7

8 3. On the filing date of the instant Chapter 13 Petition, CITIFINANCIAL as 2nd
9 lienholder's claim (Loan # 6072803017200816) was wholly unsecured.
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11 IT IS THEREFORE ORDERED THAT CITIFINANCIAL'S 2nd LIENHOLDER'S
12 secured claim is "stripped off" and avoided pursuant to 11 U.S.C. §506(a);

13 IT IS FURTHER ORDERED THAT CITIFINANCIAL'S 2nd LIENHOLDER'S secured
14 rights and lien holder rights in the Subject Property are hereby terminated and
15 CITIFINANCIAL'S as the 2nd LIENHOLDER shall be paid as a general unsecured creditor
16 through the Debtors' Chapter 13 plan;
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18 IT IS FURTHER ORDERED THAT in the event the instant Chapter 13 matter is
19 converted to a Chapter 7 case, this order will be void and without effect; and
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1 NOTICE - ALTERNATIVE METHOD re: RULE 9021:

2 In accordance with LR 9021, counsel submitting this document certifies as follows:

3 _____ The Court waived the requirements of LR 9021.

4
5 _____ I have delivered a copy of this proposed order to all counsel who appeared
6 at the hearing, any unrepresented parties who appeared at the hearing, and
any trustee appointed in this case, and each has approved or disapproved
the order, or failed to respond, as indicated below:

7 Party: Chapter 13 Trustee

8
9 _____ Approved _____ Disapproved XX Failed to Respond

10 Gregory L. Wilde, Esq, of WILDE & ASSOCIATES

11
12 _____ Approved _____ Disapproved XX Failed to Respond

13
14 Submitted By:

15 ERIC PALACIOS & ASSOCIATES

16
17 /s/ Liceu S. Pereira
LICEU S. PEREIRA, ESQ.
18 Nevada Bar No. 10954
Attorneys for Debtors